

**REVISED LEGISLATIVE DIGEST**

(12/10/2013, Amended in Board)

[Planning Code - Nonconforming Uses; Enlargements and Alterations]

**Ordinance amending the Planning Code to permit the enlargement, alteration or reconstruction of a dwelling or other housing structure that exceeds the permitted density of the district if dwelling units are principally permitted in the district and the enlargement, alteration or reconstruction does not extend beyond the building envelope as it existed on January 1, 2013 and if no tenants were evicted under certain provisions of the Rent Ordinance; making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.**

Existing Law

Planning Code Section 181 prohibits the enlargement, alteration, and reconstruction of a structure occupied by a nonconforming use unless the result will be elimination of the nonconforming use except as specified in Section 181.

Amendments to Current Law

Section 181 is amended to permit enlargement, alteration, or reconstruction of a dwelling or other housing structure exceeding the permitted density for the district in which it is located where (1) the dwelling or other housing structure is located in a district where a dwelling unit is a principally permitted use and (2) the enlargement, alteration, or reconstruction does not otherwise extend beyond the building envelope as it existed on January 1, 2013. An owner who has evicted any tenants after December 10, 2013 under the “owner move-in” provision of the Rent Ordinance will not be permitted to enlarge, alter or reconstruct for 5 years following such eviction, and an owner who has evicted any tenants after December 10, 2013 under the other “no fault” provisions of the Rent Ordinance will not be permitted to enlarge, alter or reconstruct for 10 years following such eviction.

Background Information

As applied to existing housing in areas where dwelling units are principally permitted uses, the current requirement is too strict and does not conform to San Francisco’s housing policies. The 10-year restriction for owners who have evicted tenants is intended to reduce the possibility that this amendment to the Planning Code would encourage more evictions of tenants in order to enlarge, alter or reconstruct a unit.

This Legislative Digest includes amendments to the tenant eviction provisions adopted by the Board at its regular meeting on December 10, 2013.

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